

Rye City Planning Commission Minutes

July 20, 2004

PRESENT:

Barbara Cummings, Chair
Martha Monserrate, Vice-Chair
G. Patrick McGunagle
Peter Larr
H. Gerry Seitz
Nick Everett
Hugh Greechan

ABSENT:

ALSO PRESENT:

Christian K. Miller, AICP, City Planner
George Mottarella, P.E., City Engineer

I. HEARINGS

1. Kacha Residence

Aleksandra Moch (applicant's environmental consultant) provided an overview of the application noting it involved the construction of an addition, which would connect the existing residence with the existing detached garage. Ms. Moch stated that the proposed addition would result in a net increase of 138 square feet of impervious area within the 100-foot buffer.

Ms. Moch stated the existing wetland is located in a rear yard and consists of managed lawn. As mitigation for the 138 square feet of additional impervious area Ms. Moch stated that landscape plantings would be provided. Erosion control measures are also shown on the plan.

On a motion made by Peter Larr, seconded by Nick Everett and carried by the following vote:

AYES: Barbara Cummings, Martha Monserrate, Peter Larr, Patrick McGunagle,
Gerry Seitz, Nick Everett, Hugh Greechan

NAYS: None

RECUSED: None

ABSENT: None

the Planning Commission took the following action:

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1 ACTION: The Planning Commission closed the public hearing on wetland permit
2 application number WP157.
3

II. ITEMS PENDING ACTION

1. Kacha Residence

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5
6
7
8 The Planning Commission reviewed the draft resolution of approval prepared by the
9 City Planner. The Commission noted that the most recent revised plan addressed their
10 comments.
11

12 On a motion made by Peter Larr, seconded by Gerry Seitz and carried by the following
13 vote:
14

15 AYES: Barbara Cummings, Martha Monserrate, Peter Larr, Patrick McGunagle,
16 Gerry Seitz, Nick Everett, Hugh Greechan

17 NAYS: None

18 RECUSED: None

19 ABSENT: None
20

21 the Planning Commission took the following action:
22

23 ACTION: The Planning Commission adopted a resolution conditionally approving
24 wetland permit application number WP157.
25

2. Beechwind Properties

26
27
28 The Planning Commission Chair provided an overview of the application and its
29 required approvals. The Chair noted that the action involves a two-lot subdivision. The
30 proposed action would require that the Planning Commission adopt a SEQRA
31 determination of significance, subdivision plat approval, wetland permit approval and an
32 Advisory Coastal Consistency opinion to the Rye City Board of Appeals.
33

34 The Planning Commission reviewed the environmental conditions on the property. The
35 Commission noted the importance of conducting a thorough environmental assessment
36 and remediation of contaminants on the property. The Commission agreed that the
37 environmental remediation should be consistent with Policies 7, 7A and 7B of the
38 LWRP. The Commission noted that the applicant did not provide a specific plan to
39 remediate the arsenic, cadmium, chromium, and lead, all of which appear to be on the
40 applicant's property, and exceed established standards for residential use. The
41 Commission noted that the remediation of the property would be consistent of
42 revitalization of waterfront properties advocated by the LWRP.
43

44 The remediation of the property would also enhance the buffer consistent with the
45 requirements of the City's Wetlands and Watercourses Law and the comments of the

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1 CC/AC. The Commission added that the City's Floodplain Management Law prohibits
2 the placement of fill within the 100-year flood zone and that providing a soil cap as a
3 remediation strategy may not be appropriate on the applicant's property. The
4 Commission suggested that excavation and removal of contaminated materials would
5 be the preferred mitigation scenario.

6
7 The Commission noted that the approximate depth of contamination was four feet but
8 that further testing would be required to determine the actual extent of contaminated
9 material. The Commission agreed that testing beyond the depth of four feet appeared
10 unnecessary given existing soil conditions. The Commission also suggested that it
11 might be appropriate to leave some material on the site if it falls below accepted
12 residential standards. However, additional soil samples would be required before that
13 decision could be made.

14
15 The Commission discussed the subdivision aspects of the proposed plan noting that
16 residential use is not permitted in the B-7 District and that non-residential, water
17 dependent uses are favored by the City Zoning Code and LWRP. The Planning
18 Commission requested that the side yard setbacks on proposed Lot 2 be increased to
19 provide greater separation from the adjacent Shongut property. The Commission noted
20 that this would help reduce potential future land use conflicts between resident and
21 businesses. The Commission suggested working within the existing side yard setbacks
22 on the property including centering the proposed residence on the lot, flipping the
23 setbacks so that the larger setback is provided adjacent to the existing Shongut
24 property rather than the proposed residence on Lot 1 or other setback modifications.
25 The Commission also requested that a vegetative buffer be provided along the
26 Northern property line. The Planning Commission requested that the applicant double
27 check its plans to make sure that all dimensions from setback lines are consistent and
28 accurate.

29
30 Rex Gedney (applicant's architect) responded to the Planning Commission's request to
31 modify the setbacks between buildings. Mr. Gedney stated the Planning Commission's
32 request appeared reasonable but is inconsistent with the Board of Appeal's desire to
33 provide greater separation between the proposed residences. The Planning
34 Commission respected the applicant's concern and indicated that it would advise the
35 Board of Appeals of its preferences and rationale.

36
37 The Planning Commission added that, in order to protect the adjacent water dependent
38 use as encouraged by the City's LWRP, the applicant may be required to notify future
39 purchasers of property of the proximity to the adjacent business operation.

40
41 The Planning Commission discussed the proposed drainage measures noting that
42 additional water quality improvements are desired. The Commission suggested the use
43 of a possible low profile subsurface infiltration unit as a possible solution. The
44 Commission directed the applicant to work with the City Engineer on revising its
45 engineering drawings.

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1
2 The Planning Commission reviewed the proposed wetland mitigation plan and
3 requested the applicant revise its drawing to indicate the amount of existing and
4 proposed impervious area in the pre-and post-development condition. The Commission
5 requested that the applicant calculate the amount of mitigation area to be provided and
6 to show the 100-foot wetland buffer line on the property.

7
8 The Commission discussed the application's consistency with the City's LWRP and
9 discussed providing an advisory opinion to the Board of Appeals. The Commission
10 reviewed its November 2002 opinion to the Board of Appeals as the basis for its
11 discussion. That prior opinion related to development limited to the Brailsford property
12 (670 Milton Road). The Commission noted that its November 2002 opinion stated that
13 the proposed application at that time would only be consistent with the LWRP if it
14 provides public access; preserves the historic structure of the Gedney store; and is of
15 bulk, scale, size and height that is consistent with the existing character of the Mill Town
16 historic districts.

17
18 Since that November 2002 the Commission noted the applicant has made significant
19 modifications to its application. The current application no longer proposes a boat club
20 in which the existing ten boat slips would be preserved. The current application would
21 reduce the number of boat slips to two and limit it to those who reside at the proposed
22 residences. The current application includes a permanent view corridor as result
23 litigation with the application. Finally the Commission noted that the most recent
24 submission includes new information regarding subsurface environmental conditions
25 and the presence of contaminants.

26
27 The Planning Commission stated that while there were changes in the application and
28 new information that its prior opinion from November 2002 remained valid and
29 appropriate.

30
31 The Commission stated that the most recent proposal would actually result in the
32 reduction of water dependent use on the property since it would reduce the number of
33 existing boat slips from ten to two. This modification would not be desirable or
34 encouraged by the LWRP.

35
36 The Commission noted that the revised application includes a view corridor. However, it
37 noted that this corridor largely exists today and could therefore not be considered an
38 enhancement to the waterfront or advancing an LWRP policy. In addition, the
39 Commission noted the previous application included provisions for public access to
40 docks that would be available to club members, which the current application does not
41 include.

42
43 The Commission agreed that its opinion to the Board of Appeals also include its
44 preference for an aggressive environmental cleanup of the property and the
45 requirement for wetland mitigation plantings. The Commission noted the importance of

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1 maintaining consistency in its LWRP opinions because of the precedent in the event
2 that other properties within the coastal zone seek similar approvals.

3
4 The Planning Commission agreed to have the Chair work with the City Planner to
5 prepare a memorandum to the Board of Appeals on its behalf that conveyed the
6 comments raised. The Commission further requested that, where appropriate, specific
7 references to either the City Code or LWRP policies should be included in the
8 memorandum.

9
10 The Commission agreed that it was not appropriate to set a public hearing for this
11 application until the Planning Commission's concerns have been addressed including
12 modifications to the building setback on Lot 2, submission of a complete remediation
13 plan for subsoil contaminants, and modification to the wetlands plan to provide more
14 information regarding impervious area and the location of the 100-foot buffer.

15
16 The Commission discussed with the applicant the possibility of amending its plans to
17 provide public access, possibly within the view corridor area. The Planning Commission
18 stated that providing such access would be a benefit to the application in consistency
19 with the LWRP. Mr. Gedney responded that the prior plan proposed more development,
20 which could better sustain the economic and marketing impact of providing public
21 access on the property. Mr. Gedney also added that there were concerns on the
22 previous development that additional off-street parking would be required to
23 accommodate public use of the boat slips.

24
25 Mr. Gedney stated that the previous use of the property was for light manufacturing
26 which was not a water dependent use and therefore the proposed subdivision would not
27 degrade water dependent aspects of the property as suggested by the Commission. Mr.
28 Gedney stated that the prior Brailsford property owner rented the boat slips for public
29 use merely to offset taxes he paid on the property. The Planning Commission
30 responded that the prior use on the property is not relevant and that the Commission
31 was obligated to consider the ways in which the proposed use was either consistent or
32 inconsistent with the City's LWRP.

33
34 The applicant's environmental consultant stated that she would provide additional
35 testing as suggested in the Phase 2 site assessment and that the applicant is proposing
36 to cap materials on site. The Commission responded that capping and the placement of
37 fill would not be acceptable and that a more aggressive remediation plan is required.
38 The Commission stated that the NYSDEC letter provided by the applicant does not
39 constitute a remediation plan and that more information must be provided. The
40 Commission specifically stated that there are two areas on the site where petroleum bi-
41 products may exist and that those areas should have additional testing. The
42 Commission also requested that the site plan show specifically where soil removal is to
43 occur and in what quantities. The Planning Commission stated that it would not be
44 acceptable to test for contaminants as construction is ongoing. The Commission stated
45 its desire to have a remediation plan for its consideration.

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1
2 Albert Pirro (applicant) requested a meeting before the public hearing with Planning
3 Commission member Monserrate to discuss in more detail her remediation
4 requirements and any other plan specifics. The Planning Commission agreed to the
5 applicants' request provided that the meeting was conducted with the City Planner.

6
7 Mr. Pirro requested a copy of the CC/AC letter and its comments. The Planning
8 Commission unanimously agreed to release these comments.

9
10 Mr. Pirro responded to the Planning Commission's concerns regarding the subdivision
11 and the proposed setback on Lot 2. Mr. Pirro stated that an additional setback was
12 inappropriate and unfair given that existing zoning requires no side yard setback. Mr.
13 Pirro stated that he would like to meet the Planning Commissions' request to provide an
14 additional setback from the adjacent Shongut property, but that he does not have any
15 opportunity to do so given the 35-foot view corridor restriction imposed on the property
16 as settlement to a lawsuit from a neighbor on Milton Road. Mr. Pirro agreed to try to
17 meet the Planning Commissions' request.

18
19 Mr. Pirro agreed that he would submit a revised drainage plan and requested a meeting
20 with the City Planner and City Engineer to discuss specific details of that plan. The
21 Planning Commission agreed to the applicant's request.

22
23 Mr. Pirro agreed to provide additional information requested by the Planning
24 Commission for the wetland mitigation plan. Mr. Pirro agreed to provide the information
25 requested by the Commission in advance of its next meeting in September.

26 27 **3. Spelman Subdivision**

28
29 The Planning Commission noted the revision to the subdivision to provide for a straight
30 rather than a previously proposed angled lot line. The Commission also noted that this
31 revision eliminated previous concerns regarding the compliance of the setbacks on
32 proposed Lot 2.

33
34 The Planning Commission requested that parking spaces consistent with the
35 requirements of the Rye City Zoning Code be shown on Lot 1. The City Zoning Code
36 currently prohibits parking of vehicles within the front yard setback. The Commission
37 also requested that the plan be revised to better indicate the removal of existing
38 structures on the proposed plan. The Commission requested that the plan indicated
39 that the newly created driveway for Lot 1 be revised so it is no closer than five feet to
40 the proposed lot line. The Commission also requested that the removal of the portion of
41 the existing porch be clearly shown on the plan to comply with the 12-foot side yard
42 setback requirement. Matt Bavoso (applicant's attorney) noted that the plan would be
43 revised per the Commission's request.

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1 The Commission also noted concern that the modification in the configuration of Lot 2
2 could result in a building being setback towards the rear of this lot, which would be
3 inconsistent with the current street pattern. The Commission discussed including a
4 condition of approval that required the setback of the proposed residence on Lot 2 to be
5 consistent with the setback of other residences located on Hunt Place.

6
7 The Planning Commission discussed improvements to Hunt Place to upgrade that road
8 from gravel to a paved roadway. The City Engineer requested that this roadway be
9 upgraded consistent with previous decisions by the Planning Commission for similar
10 subdivisions. It was noticed that the upgrading of this roadway would minimize future
11 deterioration, which impacts the ability to provide municipal and emergency services.

12
13 On a motion made by Peter Larr, seconded by Patrick McGunagle and carried by the
14 following vote:

15
16 AYES: Barbara Cummings, Martha Monserrate, Peter Larr, Patrick McGunagle,
17 Gerry Seitz, Nick Everett, Hugh Greechan

18 NAYS: None

19 RECUSED: None

20 ABSENT: None

21
22 the Planning Commission took the following action:

23
24 ACTION: The Planning Commission set a public hearing on final subdivision
25 application number SUB286 for its next meeting on September 14, 2004.

4. 55 Drake Smith extension of time

26
27
28
29 The Planning Commission noted the applicant has requested a one-year extension of
30 time to its previous wetland permit approval. The applicant has initiated but has not
31 completed construction as required under the expiration provision of the Planning
32 Commission's original wetland permit approval.

33
34 On a motion made by Peter Larr, seconded by Gerry Seitz and carried by the following
35 vote:

36
37 AYES: Barbara Cummings, Martha Monserrate, Peter Larr, Patrick McGunagle,
38 Gerry Seitz, Nick Everett, Hugh Greechan

39 NAYS: None

40 RECUSED: None

41 ABSENT: None

42
43 the Planning Commission took the following action:

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1 ACTION: The Planning Commission adopted a resolution granting a one-year
2 extension of time to wetland permit application number WP131.
3

4 5. Rye Presbyterian Church

5
6 Planning Commission members Barbara Cummings and Patrick McGunagle noted their
7 membership in the church and excused themselves from all discussions of this matter
8 and left the meeting room.
9

10 The Planning Commission questioned the applicant as to the need for the proposed
11 parking lot expansion. George Russell (church representative) responded that the
12 additional parking is necessary to accommodate the parking demands associated with
13 the daycare center and other activities at the church such as the thrift shop. Mr. Russell
14 stated there are many times during the course of the week when the lot exceeds its
15 available capacity, particularly during the pickup and drop-off time at the daycare
16 center. Mr. Russell stated that they have conducted multiple internal reviews to
17 determine the sufficient number of spaces.
18

19 The Planning Commission questioned the peak period of use. Mr. Russell stated that
20 the peaks occur early in the morning after Rye High School has opened. Additional
21 peak periods of use occur between 11 and 11:30 when the morning class is ending and
22 the new afternoon class is starting. There is an additional peak period around 3:30
23 when the afternoon class is ending. Mr. Russell stated that the lack of available
24 capacity is both a fire safety and traffic circulation concern since many vehicles block
25 driveways and travel isles.
26

27 The Planning Commission noted concerns with the proposed changes in internal
28 parking lot circulation. The Commission suggested revising the plan to provide a more
29 logical travel flow that would avoid vehicle conflicts. Mr. Horsman stated the plan would
30 be revised to address that concern.
31

32 The Commission noted concerns with the slope of the new driveway on Milton Road.
33 Mr. Horsman agreed to provide additional information regarding grade changes in that
34 area.
35

36 The Planning Commission suggested relocating or redistributing additional parking on
37 the Boston Post Road side of the building. Mr. Horsman responded that some changes
38 were being made in that area but the church is sensitive to the aesthetic impact of
39 additional parking in that location. Mr. Horsman stated that they are trying to preserve
40 the historic character of the church in that location, while also trying to accommodate
41 the circulation needs for large vehicles.
42

43 The Commission questioned the number of parking spaces required by staff. Mr.
44 Russell responded that there are approximately 27 staff people associated with the
45 daycare/school and approximately 8 associated with the church on a daily basis.

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1
2 The Planning Commission requested that the applicant provide more information
3 demonstrating the need for additional parking and a detailed description of the number
4 of users by peak periods of use. The Planning Commission noted the importance of this
5 information in establishing the need for the expanded parking area. The Planning
6 Commission noted particular concern with the impact the additional parking will have on
7 the character of Milton Road in this location. Mr. Horsman responded that a landscape
8 screening plan has been provided to address that concern.
9

10 The City Engineer noted correspondence from the adjacent Resurrection Church
11 claiming that prior parking lot expansion at the Presbyterian Church has resulted in
12 reoccurring flooding in the church basement. The City Engineer noted that the City of
13 Rye increased the size of a portion of a drain line that extends from Milton Road
14 through the applicant's property down to Blind Brook. A portion of this pipe was
15 increased in size from 24 to 30 inches to provide for additional capacity but flooding
16 concerns continue. The City Engineer stated the applicant needs to address this
17 concern before there is any increase in impervious area draining to this City storm
18 system. Mr. Horsman stated the applicant would review the letter of Resurrection
19 church and work with the City Engineer to provide for modifications in its drainage plan.
20

21 The Commission expressed concern with the relocation of the driveway on Milton Road
22 and its proximity to the existing driveway serving the adjacent Resurrection church
23 property. The Commission specifically inquired whether vehicle stacking for the new
24 driveway could block access to the Resurrection church.
25

6. Commerce Bank

26
27
28 The Planning Commission noted that it had conducted a site walk and that it
29 recommended that the applicant modify its building design to set back the building from
30 the front and side property lines. This change would be necessary to ensure that doors
31 do not swing into the adjacent sidewalk and to provide additional area for pedestrian
32 circulation. Craig Tompkins (applicant's engineer) stated that the applicant would review
33 the Planning Commission's request but it was concerned that such a modification would
34 result in internal impacts to the ATM area.
35

36 The Planning Commission noted that sidewalk improvements are proposed on the
37 adjacent Purchase Street and Smith Street including new sidewalks and curbs. The City
38 Planner stated that Smith Street is in the City's Capital Improvement Plan to undergo a
39 major reconstruction and that providing such improvements may require their removal
40 in connection with this project. The City Engineer stated that money in lieu provided in
41 these offsite improvements may be a more appropriate course of action.
42

43 The Planning Commission noted concern with the increased parking impact and refuse
44 generated by the proposed building. The City Planner indicated that the proposed use
45 complies with the City's parking requirements. Mr. Thompson stated that all refuse

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1 would be contained indoors and would be removed each evening by the cleaning staff.
2 There would be no external refuse storage.

3
4 The Planning Commission noted concern with the proposed aesthetic treatment of the
5 building including the height and size of the proposed windows as well as the proposed
6 signage. The Commission noted however that these concerns are within the purview of
7 the Board of Architectural Review, not the Planning Commission.

7. Neiman Residence

8
9
10
11 The Planning Commission noted they conducted a site walk of the property and the
12 application appears substantially complete. The Commission noted concern with the
13 proposed storm water drainage system, which proposes a surface drainage area or
14 "water garden." Allen Pilch (applicant's engineer) responded that the drainage design
15 was designed to accommodate the water quality impacts of a 1.3 inch storm event
16 associated with the approximately 600 square foot increase in impervious area on the
17 property. Mr. Pilch stated that the design appears acceptable and it would provide a
18 modest detention area prior to the storm water entering the off site wetland which is
19 located on the adjacent property at 702 Forest Avenue.

20
21 On a motion made by Peter Larr, seconded by Gerry Seitz and carried by the following
22 vote:

23
24 AYES: Barbara Cummings, Martha Monserrate, Peter Larr, Patrick McGunagle,
25 Gerry Seitz, Nick Everett, Hugh Greechan

26 NAYS: None

27 RECUSED: None

28 ABSENT: None

29
30 the Planning Commission took the following action:

31
32 ACTION: The Planning Commission set a public hearing on wetland permit
33 application number WP158 for its next meeting on September 14, 2004.

8. Retail Tenant Space Division (The Gap)

34
35
36
37 The Planning Commission questioned the applicant as to the adequacy of the proposed
38 outdoor refuse area. Gerald Jean-Francois (applicant's representative) states the
39 proposed refuse area is adequate and that no food establishment or other high refuse
40 generation use is proposed for the new tenant spaces. Mr. Jean-Francois stated the
41 refuse disposal is adequate.

42
43 The Planning Commission reviewed the applicant's drainage plan. Dan Holt (applicant's
44 engineer) provided an overview of the drainage plan noting that drywells would be
45 provided for minor infiltration opportunities and that overflow drainage would be

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1 accommodated through a pump/force line that would stay on the applicant's property.
2 Mr. Holt indicated that the applicant prefers a gravity storm water drainage system.
3 However, it was not able to get the appropriate permissions from the adjacent property
4 owner to extend a drainage line across this adjacent property. The Planning
5 Commission stated its preference for a gravity system and offered to help facilitate a
6 conversation with the adjacent property owner. The Planning Commission suggested
7 working with the City to get an appropriate contact at the adjacent cooperative
8 apartment building such as a management agent or a co-op president.
9

10 The City Engineer noted that additional soil tests would be required to determine
11 whether the soils could support the infiltration for drywells. Mr. Holt responded that he
12 was aware of significant amount of rock within the area and agreed with the City
13 Engineer's opinion. The City Engineer also added that all storm water drainage would
14 connect to an existing City storm water system and indicated that a terminal point of
15 City maintenance be indicated on the plans.
16

17 On a motion made by Gerry Seitz, seconded by Nick Everett and carried by the
18 following vote:
19

20 AYES: Barbara Cummings, Martha Monserrate, Peter Larr, Patrick McGunagle,
21 Gerry Seitz, Nick Everett, Hugh Greechan
22 NAYS: None
23 RECUSED: None
24 ABSENT: None
25

26 the Planning Commission took the following action:
27

28 ACTION: The Planning Commission set a public hearing for site plan application
29 number SP281 for its next meeting on September 14, 2004.
30

9. De-mapping a Portion of Ann Lane

32

33 The Planning Commission reviewed a draft memorandum prepared by the City Planner
34 noting support for the proposed de-mapping of a portion of Ann Lane.
35

36 On a motion made by Patrick McGunagle, seconded by Peter Larr and carried by the
37 following vote:
38

39 AYES: Barbara Cummings, Martha Monserrate, Peter Larr, Patrick McGunagle,
40 Gerry Seitz, Nick Everett, Hugh Greechan
41 NAYS: None
42 RECUSED: None
43 ABSENT: None
44

45 the Planning Commission took the following action:

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1
2 ACTION: The Planning Commission adopted Planning Commission Memorandum
3 number 1-2004 to the Rye City Council supporting the proposed de-
4 mapping of a portion of Ann Lane.
5

6 **10. Lombardi & Sinis Subdivision**

7
8 The Planning Commission noted it conducted a site inspection of the property and
9 reviewed the applicant's most recent submission. The Commission noted concern as to
10 the existing ingress and egress to the property. The Commission noted significant
11 safety concerns with maintaining this existing access point on Boston Post Road. The
12 Commission stated that site distance at this location is poor and that the proposed
13 subdivision would need to erect this existing substandard condition. The Commission
14 requested that the applicant provide more detailed site distance information including
15 both stopping and intersection sight distance based on a prevailing speed limit of 40
16 miles an hour. The Commission stated that the most appropriate access solution for
17 this property would likely be a single access drive serving both properties in a location
18 that maximized optimal sight distance.
19

20 The Planning Commission also noted the proximity of the property to the John Jay
21 Estate and Boston Post Road historic district. The Commission noted the development
22 of the proposed additional lot on Boston Post Road would require a sensitive design
23 and other mitigation measures to minimize impacts on this adjacent historic district.
24

25 Max Paringi (applicant's architect) responded the existing driveway would not be
26 changed and therefore could be considered grandfathered but agreed to revise the
27 plans to discontinue the use of this driveway. Mr. Paringi also responded that the
28 proposed residence on Boston Post Road complies with the supplemental setback of
29 100 feet for the required front yard. The Planning Commission stated they understood
30 the zoning compliance but stated that additional measures may be required such as a
31 larger setback to preserve the streetscape in this important area. The Planning
32 Commission noted the property's proximity to a national registered historic site makes
33 the subdivision a Type I action under SEQRA.
34

35 The Planning Commission suggested modifying the configuration of the proposed
36 residence for the new lot proposed on Boston Post Road. The City Planner stated such
37 restrictions regarding the citing and orientation of a residence within a zoning building
38 envelope may be difficult to enforce without other legal restrictions such as a covenant
39 on the deed. The Planning Commission appreciated the City Planner's concerns but
40 reiterated it desired a housing orientation where the proposed residence would face
41 towards the existing residence on the property rather than towards Boston Post Road.
42 The Planning Commission also stated the house orientation should be revised to
43 protect the 40 inch caliper maple tree on Lot C. The Commission suggested this could
44 be achieved by shifting the residence closer to the rear setback line and modifying the
45 proposed rear setback line to provide further separation from Boston Post Road.

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1
2 The Planning Commission requested the tree preservation plan be revised to indicate
3 the health and condition of each tree on the property. The Commission noted based on
4 its site inspection that they did not feel necessary that the plan be revised to preserve
5 the existing stand of trees for the new lot proposed on Morris Court.

6
7 The Planning Commission requested that the subdivision be revised so that all lots
8 comply with the requirements of the City's Zoning Code including the setback for
9 existing residences and the first floor elevation of all proposed residences to the pre-
10 existing grade.

11
12 The Planning Commission requested that grading for all improvements shown on the
13 plan should be provided and that more complete erosion control sediment and drainage
14 detail be shown on the plan.

15 16 11. Minutes

17
18 The Planning Commission reviewed and approved the minutes of its June 22, 2004
19 meeting.